

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

MANUEL ANTONIO DOMENECH RODRIGUEZ

Debtor(s)

WIGBERTO LUGO MENDER

Plaintiff

RUTH E RODRIGUEZ BORGES

Defendant(s)

CASE NO. 10-5835 BKT
CHAPTER 7

ADVERSARY No. 11-00168

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U.S. DISTRICT COURT
SAN JUAN, PR

TRANSMITTAL OF RECORD ON APPEAL

Appeal pursuant to 28 U.S.C. Section 158 filed on January 20, 2012.

Parties included in the appeal:

Appellant: RUTH E RODRIGUEZ BORGES

Attorney: LUIS A. MELÉNDEZ-ALBIZU, ESQ. (USDC-PR 205703)

Appellee : WIGBERTO LUGO MENDER

Attorney: RAFAEL E. SILVA ALMEYDA, ESQ.(USDC-PR 226712)

Order Appealed: Opinion and Order entered on 1/12/12 and Amended Opinion and Order entered on 1/13/12, finding that a conflict of interest exists in the representation of Defendant and the Minor.

Description of Matter Appealed:

1. Whether the Bankruptcy Court erred in disqualifying Defendant's counsel in Adversary Case No. 11-168, where the Bankruptcy Court lacked subject matter jurisdiction in Adversary Case No. 11-168 under the Rooker-Feldman Doctrine.
2. Whether the Bankruptcy Court erred in disqualifying Defendant's counsel in Adversary Case No. 11-168, where the Trustee lacked standing to seek the disqualification of defendant's counsel.
3. Whether the Bankruptcy Court erred as a matter of law in disqualifying Defendant's counsel in Adversary Case No. 11-168.
4. Whether the Bankruptcy Court erred in disqualifying Defendant's counsel in Adversary Case No. 11-168, where the Bankruptcy Court should have considered other options to the denial of relief from stay, such as holding the motion in abeyance pending the appearance of new counsel.

Attached are:

1. Statement of the issues & Appellant Designation of Contents for Inclusion in Record on Appeal filed on 2/6/12.
2. Appellant's Motion Requesting Extension of One (1) Working Day to File Designation of the Record on Appeal due to Medical Emergency filed on 2/6/12.
3. Apellee's Motion Requesting Entry of Order filed on 2/13/12.
4. Apellant's Opposition to Plaintiff's Motion Requesting Entry of Order filed on 2/15/12.

Comments: Please note that appellant has also filed an appeal for the legal case and is related with this issue (sent separately on the same day).

I hereby certify that I have forwarded via electronic mail through the CM/ECF System a copy of the Transmittal to the following parties:

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WIGBERTO LUGO MENDER

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RUTH RODRIGUEZ BORGES

PO BOX 270059,

San Juan, PR 00927.

San Juan, Puerto Rico, this 8th day of March, 2012

/s/ Marisol Lopez
Deputy Clerk

DISTRICT CLERK- Please return second copy with portion below completed

District Court Case No. 12-1172 (SEC)

Date 3/12/12

By JOSE L. ARROYO
Deputy Clerk